


1 “The Federal Rules of Civil Procedure do not recognize a ‘motion to reconsider.’ Instead
the rules allow a litigant subject to an adverse judgment to file either a motion to alter or
amend the judgment pursuant to Fed. R. Civ. P. 59(e) or a motion seeking relief from the
judgment pursuant to Fed. R. Civ. P. 60(b).” Van Skiver v. United States, 952 F.2d 1241,
1243 (10th Cir. 1991).

position, or the controlling law. . . . It is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.” 204 F.3d at 1012.

In its March 2, 2006 Opinion and Order, the Court concluded that defendants’ decision to terminate plaintiff’s disability benefits was not arbitrary and capricious, was reasonable, and was based on substantial evidence. Plaintiff has submitted nothing in his Rule 59 motion to establish the impropriety of that determination. Since plaintiff has not presented evidence of newly discovered law or facts and has failed to establish either clear error or a need to correct manifest injustice, the Court’s March 2, 2006 Opinion and Order stands.

IT IS THEREFORE ORDERED that plaintiff’s motion to reconsider (Dkt. # 42) is hereby **denied**.

DATED this 4th day of April, 2006.



CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT